



UNDERWRITING BULLETIN

FROM: Midwest Agency Underwriting

DATE: August 19, 2014

TO: All WFG Agents Conducting Business in Ohio

BULLETIN No.: OH – 2014-02

SUBJECT: Registered Land in Hamilton County, Ohio (Torrens)

Overview: The Hamilton County Commissioners have determined that the costs of maintaining Registered Land exceeds the benefit and have voted to abolish the Registered Land System. Pursuant to ORC 5310.38, the Hamilton County Recorder has set September 5, 2014 as the "Date of Implementation" (Date when the System will no longer be used for future recordings).

Advisory: For real estate transactions involving registered land filing prior to September 5, 2014, the land is still registered and you must present either the owners duplicate certificate of title when recording or present an affidavit of lost certificate. After that date, please be advised of the following relative to the "former" registered land:

1. Until all the land described in a specific Certificate of Title has been conveyed, the prior instrument reference is the Certificate Number. (ORC 5310.41.)
2. A certificate of title has the following effects:
 - (A) Conclusive effect as to conveyances and encumbrances occurring before the date of implementation and noted on the certificate;
 - (B) Conclusive effect as to conveyances and encumbrances occurring before the date of implementation that, as of the date of implementation were not noted on the certificate, but the instruments for which had been filed for such notation;
 - (C) No conclusive effect with regard to conveyances or encumbrances occurring on or after the date of implementation. (ORC 5310.42)
3. A duplicate certificate of title has no use other than as a copy of the certificate that is transcribed or bound in the register of titles. (ORC 5310.48)

4. No person shall present, and the county recorder shall not accept, the duplicate as the instrument of any conveyance or encumbrance of the land to which it pertains. (ORC 5310.48)
5. Notwithstanding Item 4, the best practice after the Date of Implementation will be to obtain the Owners Duplicate Certificate of Title or a Lost Certificate Affidavit and surrender the document to the Recorder when recording unless this has already been done. (Clermont County abolished registered land many years ago and required that the Owners Duplicate be surrendered on the next transaction to file after their implementation date.)

If you have further questions, please contact:

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